

COTCHETT PITRE & MCCARTHY LLP

BOTTINI & BOTTINI, Inc.

July 3, 2025

Via ECF

Hon. Donna M. Ryu  
U.S. District Court, Northern District of California  
Ronald V. Dellums Fed. Bldg. & U.S. Courthouse  
1301 Clay Street  
Oakland, California 94612

RE: *Pampena v. Musk*, No. 3:22-cv-05937-CRB (N.D. Cal.)

Dear Judge Ryu:

In response to the questions raised in Your Honor's June 26, 2025 Order for Supplemental Briefing on Discovery Disputes (Dkt. 217), based on the current record, Lead Plaintiffs answer as follows:

**Whether they intend to call Spiro as a witness (1) if they obtain his deposition testimony, and (2) if they do not.**

Lead Plaintiffs intend to call Mr. Spiro as a witness at trial if they obtain his deposition testimony. Plaintiffs also intend to call Mr. Spiro as a witness at trial even if they do not obtain his deposition testimony, though their ability to do so is subject to Rule 45.

**Whether they intend to move to disqualify Spiro (1) if they obtain his deposition testimony, and (2) if they do not.**

As a necessary witness with material information, Lead Plaintiffs intend to move to disqualify Mr. Spiro both if they obtain his deposition testimony and if they do not. Lead Plaintiffs do not intend to move to disqualify the Quinn Emanuel firm nor any of its other attorneys who have been involved in this case since its inception.

Pursuant to the Court's Order, Plaintiffs will brief the applicable law regarding the advocate-witness rule and how it applies to this case for submission on July 8, 2025.

/s/ Caroline A. Yuen

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